

TOWN OF NEW WINDSOR

PLANNING BOARD

March 9, 2011

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
HARRY FERGUSON
HOWARD BROWN
DANIEL GALLAGHER

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE JULIAN
PLANNING BOARD SECRETARY

REGULAR MEETING:

MR. ARGENIO: I'd like to call to order the March 9, 2011 meeting of the Town of New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES DATED 1/26/11

MR. ARGENIO: Welcome everybody. First item on tonight's agenda is the approval of the minutes dated January 26, 2011 sent out via e-mail on February 17, 2011. If nobody takes exception to these minutes, I will accept a motion we accept them in their current format

MR. BROWN: So moved

MR. FERGUSON: Second it.

ROLL CALL

MR. FERGUSON AYE

March 9, 2011

2

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

ANNUAL MOBILE HOME PARK REVIEW:

WINDMERE MOBILE HOME PARK

MR. ARGENIO: We'll get right to the annual mobile home park review. Windmere Mobile Home Park. Somebody here to represent this? Sir, can I have your name please?

MR. JOHNSON: Richard Johnson.

MR. ARGENIO: Jennifer, has somebody from your office been to this park?

MS. GALLAGHER: Yes, they have.

MR. ARGENIO: How does it look?

MS. GALLAGHER: Great, no problems at all.

MR. ARGENIO: Do you have a check made out in favor of the town for \$560?

MR. JOHNSON: I will in a minute.

MR. ARGENIO: He has his check, Jennifer seems to feel everything is ship-shape. If anybody sees fit, I'll accept a motion we offer them a one year extension.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded. Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you for coming in tonight.

NUGENT MOBILE HOME PARK:

MR. ARGENIO: Second mobile home park is the Nugent Mobile Home Park. I see Mrs. Nugent in the audience.

MRS. GANDOLFINI: No, I'm her sister.

MR. ARGENIO: Well, take that has a compliment, you look just like her. Jen, has somebody, she's in Florida, somebody from your office been down there?

MS. GALLAGHER: Yes, everything is in order as well.

MR. ARGENIO: Do you have a check made out to the benefit of the town for \$250?

MRS. GANDOLFINI: Do.

MR. ARGENIO: It's good, isn't it?

MRS. GANDOLFINI: I don't know, it's not mine.

MR. ARGENIO: Accept a motion we offer one year extension.

MR. FERGUSON: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

REGULAR ITEMS:

RIDGE RISE (04-27)

MR. ARGENIO: Regular items, Ridge Rise site plan. Somebody here to represent this? The application proposes development of the 30 plus acre parcel into 133 unit multi-family development with 22 multi-family structures and a clubhouse building. The plans were previously reviewed at the 13 October, 2004, 25 October, 2006, 26 March, 2008 and 18 November, 2009 and 11 August, 2010 planning board meetings. The applicant is here to bring us up to date on where he's at with this application. I see Mr. Zepponi here to represent this, where is, I saw Mr. Slutsky in the audience

MR. ZEPPONI: We also have a large board, he went out to get a large board, it's what I have here but it's full size so--

MR. ARGENIO: All right, and you're early, show us what you have, do you have a copy of Mark's comments on this?

MR. ZEPPONI: Yes, I do, yeah, we received them I guess this morning. Would you prefer to go through them?

MR. ARGENIO: I don't want to go through them, there's a lot there, I will go through them myself. What I want you to do is tell us what changes you have made, what you have done with this application essentially where we're at currently.

MR. ZEPPONI: Well, we believe we have addressed all the comments that were made at the last meeting. We have reached the spatial separation from the wetlands, we rearranged some of the parking areas.

MR. ARGENIO: Would you come here with Mr. Zepponi? Go ahead.

MR. ZEPPONI: And basically refined some of the parking that was requested, we took out the handicapped, left it by the clubhouse so we did that. There was some minor comments on the storm water management, we addressed all of those. So really taken care of everything other than the comments we received today which although several pages I think they are extremely minor in terms of the engineering, there are some

questions with regard to Corporate Drive that Mr. Slutsky's here to address. So essentially we believe we have addressed everything other than the few remaining comments that we received today.

MR. ARGENIO: What do you have?

MR. SLUTSKY: We did investigate as you requested the ownership on Corporate Drive, we have met with the parties that were concerned with that involvement with the Corporate Drive about five months ago, I have a copy of the agreement that was proposed to them and I will make a minor change for your accommodation, the part that I will be involved with them.

MR. ARGENIO: We made a recommendation.

MR. SLUTSKY: No, it was your recommendation as far as instead of my cooperation to be part of the maintenance it's going to be the homeowners' association so that's the only changes we're going to do to the document.

MR. ARGENIO: At the end of the day, what are you proposing to be the disposition of that road when you're done with your project, going to pave it?

MR. SLUTSKY: We're going to pave it and we're going to bring the water and the sewer to the specification of the town, hopefully the town will take it and then we'll do that too.

MR. ARGENIO: Okay, for the other members we're going to go through this a bit, we have seen this many times one, two, three, five, six, seven times but it's a big project and it certainly warrants a thorough review. So take your time, read through the comments.

Mr. Zepponi, a lot of the comments they are clean-up comments but there are comments here that certainly do have substance and I just would like to go through a couple things that I see that I think I'd like to be talking about tonight a little bit and we'll go from there. Point of fact, I want to read from Mark's comment. At this time, the SWPPP has been reviewed and deemed preliminarily acceptable, I don't know what that means preliminarily as it relates to SWPPPs but I would certainly at the very least interpret that as you're very, very close.

MR. EDSALL: Do you want an answer?

MR. ARGENIO: Yeah, go ahead.

MR. EDSALL: It's good as is. The only thing left to do is that when they get to the end of the project we have got to make sure that the SWPPP still matches the plans, as long as there's nothing that changes on the plans that upsets the apple cart with the SWPPP they are good.

MR. ARGENIO: Understood. So what you have done to date is acceptable but if the plans evolve you may need to modify the SWPPP a bit.

MR. ZEPPONI: That's correct.

MR. ARGENIO: As previously noted, fire hydrant locations require detailed review from the fire inspector's office. Nicole, what do you have on that, do you have anything from those folks?

MR. ZEPPONI: I can jump in while she's looking. We have met with the fire people, they reviewed it, they have the same position basically they are okay with everything the way it is. If in fact something on the plan changes they want to see it again before it goes out and as a matter of fact, one of the comments that we had from fire department was on these two emergency exits to stop the pavement so we don't have a connection because we approached the neighbors, they didn't want an open active connection, they wanted it completely separate, he requested that we put the chain across and grade them off so in the utmost need we needed to do get in there we could do that, again, his position is the same.

MR. ARGENIO: We have a system in place in the town maybe this is to Jennifer whereas these emergency gates the firemen have keys to some standard lock.

MR. EDSALL: One of my comments we really don't want plastic chains, first time the kids jump on it it will be gone. So we'll get a gate probably the same as what you use on Corporate Drive, have all three match and the fire department has their own locks they put on, end of story.

MR. ZEPPONI: Except we don't have a problem with that.

MR. EDSALL: We'll work it out, not a big issue.

MR. ARGENIO: What about the wetlands, the plan acknowledges a need for certain wetland permits, what permits, where, what?

MR. ZEPPONI: We have them all, we have filled some of the wetlands to the limit, we can, we have offset some of the wetlands with the intermediate areas, mitigation areas which are crosshatched, we have gotten everything we need from the wetlands.

MR. ARGENIO: Do we have copies?

MR. EDSALL: Haven't seen anything.

MR. ARGENIO: We need that, if you have that, we, you need to share.

MR. CORDISCO: Wetland has already been filled.

MR. ZEPPONI: No, it's part of the proposal.

MR. ARGENIO: Taking some wetlands it sounds to me so we have already identified that you are going to upgrade Corporate Drive, yes?

MR. ZEPPONI: Yes.

MR. ARGENIO: Clean that thing up, it's a mess. Mark, what about this billboard business you have?

MR. EDSALL: I mention it only because it's there and normally this board and many other planning boards when a property is vacant or nearly vacant and it has a billboard on it when a site plan comes in part of the review of the site plan is to consider the disposition of the billboard as to whether or not it should be continued, whether or not you want to give a timeframe at which time it's got to be removed, that's a board discussion.

MR. ARGENIO: Do you know what he's talking about that's on your property?

MR. SLUTSKY: Yes, it is.

MR. ARGENIO: What are you going to do with it?

MR. ZEPPONI: Business decision.

MR. SLUTSKY: I prefer to keep it for marketing

purposes.

MR. ARGENIO: Okay.

MR. EDSALL: My suggestion is if you work something out with the applicant to establish a timeframe even if it is tied to the project build out that, that will be just something enforceable on the site plan.

MR. ARGENIO: I think that's a reasonable request and reasonable position that you're taking, we don't have to resolve that tonight, think about the timeframe, don't let that bullet go away.

MR. EDSALL: No, I'm going to mark it up and I will talk to him.

MR. ARGENIO: Do you want to talk about this following subject and I'm sure the other members see the same thing as me, the downstream drainage channel to the north is problematic, it's hugely problematic. It floods down near Lander's that whole area down there floods and just this recent rain event that we had a few days ago I took some time to take a ride through there knowing that you folks would be here tonight, I beg you, Mr. Zepponi, not to give me the speech about how you're collecting the water and it's released at no greater a rate than it was pre-build, et cetera ad nauseam, do you have, have you applied to DOT as of yet for your entrances and have they reviewed whatever drainage proposals you have in that corridor?

MR. ZEPPONI: I think Mark can agree and attest that they have been contacted a couple times with no response, I believe that's still correct, is it not, Mark?

MR. EDSALL: Yeah, we referred the project over to them on August 12 and we haven't heard a word but I think it's beyond just now the referral for a curb cut what we're saying we want them to consider drainage as well since you're tying into the state's drainage system.

MR. ARGENIO: Do you disagree? Have you been down there?

MR. BROWN: I haven't seen it.

MR. ARGENIO: Take a look, we're supposed to get a lot of rain over the next few days going down passed U-Haul

it's just it's awful.

MR. ZEPPONI: It picks up the entire north side of the highway, it has a ditch in many places in and out of pipes and continues passed us.

MR. ARGENIO: I don't have a problem with the river alongside the road because that's what the water does when it rains hard but what happens is down the road water comes out like over the white line onto the highway so Mark we would need to hear from them, yes, DOT at some point in time?

MR. EDSALL: Yeah, I don't believe our original referral to them included any drainage information cause I don't know that all that information was available so maybe what we'll do is I will do a follow-up letter to them, ask them to please respond to the August letter but also please note that we want them to specifically look at drainage.

MR. ARGENIO: What Danny was saying is that the pond's based on the size of what we're doing here, the retention ponds, they look small.

MR. GALLAGHER: They look small compared to the size of the property.

MR. EDSALL: Same ones, I mean, Al can speak.

MR. ZEPPONI: There's a unique condition in this particular location, I don't want to say north is to the top of the drawing that's where the upstream drainage comes into the site, the railroad is elevated, the culverts under the railroad are relatively small so a lot of water is detained on that side and if we detained a lot of water on our side what would happen is we'd be saving it, reducing what's coming off our piece but saving it to match from what's coming from upstream. By doing a lot more retention on the site we'd be waiting for the peak to come and match it so all the detention will end up double, at least doubling at the loose ends of the property because we'd be waiting for the flood to come for when we discharge it.

MR. ARGENIO: That one driveway right there does, right here, does not have a cul-de-sac I assume cause there's the crash gate location?

MR. ZEPPONI: It is both here and the one below it are

both capable of going through.

MR. ARGENIO: I just wanted to point out to you that in Mark's comments he has on the second or third page it's the headline sheets, the drainage and utility plan, there's a certain methodology that Mark is going to require that the town is going to require that the way the water lines come into the building and you spin off your sprinkler system and such if you have one how those tie-ins happen between the water main and the building is a very, very specific methodology. It's not crazy but there's a very specific way that we require it done, you have to make sure your details reflect.

MR. ZEPPONI: Sure, we need separation and--

MR. EDSALL: They have actually.

MR. ZEPPONI: Particularly with the detail when the architecturals are done we know exactly where the utility rooms are going to be, that would certainly be the time.

MR. EDSALL: You have actually updated the plan to show the separate fire service line but the detail hasn't caught up to the plan and in the case of the clubhouse that one didn't get separated.

MR. ZEPPONI: What happened there unfortunately somebody over-erased when we changed the entrance.

MR. EDSALL: So you fix it, it's not a big deal at this point, it's just a matter of some clean up.

MR. ARGENIO: Mark, for the benefit of the board members, paraphrase if you will the content of Dick McGoey's memo and I'd like you to just give us a brief response to where we're at with the issue with the town engineer.

MR. EDSALL: I don't have Dick's memo here, it really has to do with--

MR. ARGENIO: Sewer, was it not?

MR. EDSALL: Has to do with the availability of the water and the downstream sewer collection system capacity. I'm going to meet with Dick McGoey, he was away for a week, I'm meeting with him tomorrow, I think

it really just needs a follow-up between yourself and Dick to see how that's resolved.

MR. ARGENIO: So it was mainly the downstream sewer capacity was going--

MR. EDSALL: Downstream sewer collection system capacity and just the overall availability of water capacity in the system.

MR. ARGENIO: Any domestic water issues?

MR. EDSALL: The town has a water moratorium currently and there are issues with overall availability of and capacity in the town's complete system so that's an overall issue verses the sewer which is a specific downstream capacity issue for the sewer below this project.

MR. ARGENIO: I have the memo here as Mark does you're aware of the development of past projects.

MR. EDSALL: That's the Reader's Digest of the two pages.

MR. ARGENIO: Town sewage plan is at capacity, a capacity is that which is privately controlled that's the Majestic sewer points, I assume?

MR. ZEPPONI: Which Mr. Slutsky's already purchased some time ago.

MR. ARGENIO: That disposes of that, okay. There's clay sewer line, have you endeavored to meet with Dick McGoey?

MR. ZEPPONI: By correspondence Mr. Slutsky's represented that with regard to the water, he's certainly willing to participate in some improvements at a prorated share.

MR. ARGENIO: Relative to domestic water?

MR. ZEPPONI: Right, in terms of water supply if there's upgrades that had to be made he's willing to participate in some form, obviously not disproportionately but--

MR. ARGENIO: They are willing to participate, that should get tied up, Mark, that's probably one of if not

the most critical issues.

MR. EDSALL: I'm meeting with Dick McGoey tomorrow morning on it.

MR. ARGENIO: Then what's going to happen?

MR. EDSALL: I'm sure that Dick will communicate with probably the Supervisor and the applicant.

MR. ARGENIO: How big is the clubhouse?

MR. ZEPPONI: The footprint is 4,000 square feet.

MR. ARGENIO: Two floors?

MR. ZEPPONI: Yes.

MR. ARGENIO: Storage basement?

MR. ZEPPONI: The reason I hesitate it's been discussed before and I'm not sure frankly where my client ended up in this, his decision I can tell you that the footprint is 4,000, whether or not it's two floors that are active and it's 8,000 square feet which I think he was by way of relating to other developments is excessive for this number of units but that's a business decision that I will answer the question but I can't justify.

MR. SLUTSKY: I think we desired 4,000 square feet two floors total.

MR. ARGENIO: So the footprint's 4,000 square feet?

MR. SLUTSKY: It's 2,000 square feet.

MR. ARGENIO: Two thousand square feet?

MR. SLUTSKY: Yes.

MR. ARGENIO: Mark, what's on a project of this size, typically what are we looking for in square footage here, do you know?

MR. EDSALL: No, we have a computation that we use, I don't recall the square footage per unit but we do have a formula, I will doublecheck to see.

MR. ARGENIO: Our code is a little light in that area

if my memory serves me, it's a little light.
Show us where the waste is.

MR. SLUTSKY: I--

MR. ARGENIO: Sidewalks in the development?

MR. ZEPPONI: They are throughout the development everywhere from my particular point, from any point without leaving the sidewalk there are some that go through the yards that goes around the stream in this lower area, there's a waterfall.

MR. ARGENIO: Are there sidewalks on both sides of the road?

MR. ZEPPONI: No, generally one side, if it was needed on two sides to get to something specific we'd do that.

MR. ARGENIO: This road here where there's no buildings you have a sidewalk on one side but you probably have it on the two sides here, is that correct?

MR. ZEPPONI: No, we have it on one side, the public can cross and from here circulate to anywhere. By way of example in this area it's on both sides.

MR. ARGENIO: Mark, hear me on this, this is Mr. Zepponi, your sidewalks, when the sidewalks are in front of a residence and they are running alongside the curb, does the sidewalk when it comes to a driveway sidewalk and curb drop and run through the driveway or does the sidewalk and curb terminate with a curb return and the driveways pavement?

MR. ZEPPONI: I believe the sidewalk is a singular elevation.

MR. ARGENIO: That's not what I'm asking you, the sidewalk is going to run--

MR. EDSALL: Sidewalks run through the way the plans are shown.

MR. ARGENIO: Sidewalks run through the driveway. What about the curb?

MR. EDSALL: Both.

MR. ARGENIO: Good, that's good, I think that looks

better, don't you agree?

MR. EDSALL: Well, it gives you a clearer tight edge against the road pavement.

MR. ARGENIO: Absolutely.

MR. GALLAGHER: As far as the dumpster enclosures I'm assuming by the way they are located they are on wheels rolled out?

MR. ZEPPONI: No, the dumpster enclosures are stone with a roof and lighting.

MR. GALLAGHER: But the dumpsters themselves are they on wheels?

MR. ZEPPONI: They would be on wheels, it's up to the carrier but every time I have seen them they are on wheels.

MR. GALLAGHER: Looks like there's some tight radii where you guys have--

MR. ARGENIO: Like right here. That's a great point, Dan.

MR. ZEPPONI: We have done a quick highlight of the details in the drawings so you can see stone work, finished roof, columns inside is all concrete, there's lighting inside.

MR. ARGENIO: Here's what he's talking about, see that dumpster right there, wouldn't it make sense to rotate that around the corner to the end of the cul-de-sac or the end of that driveway so when they come in to pick up they can go in and pick it up? You follow?

MR. ZEPPONI: Yeah, I understand what you're saying, I don't have any objection.

MR. ARGENIO: To turn that this way, right, I mean.

MR. SLUTSKY: Sometimes they have the pickup from the side but it could be. Aesthetic when you're coming in and see the end of the cul-de-sac--

MR. ARGENIO: You're looking right at it.

MR. GALLAGHER: Just might be limiting yourself.

MR. ARGENIO: Howard?

MR. BROWN: What they normally do is they'll pull the truck up and roll the containers out and the truck just puts them back in.

MR. ARGENIO: You don't see it as a big issue?

MR. BROWN: No.

MR. EDSALL: We watched them operate at RPA's site Patriot and it was fine.

MR. ARGENIO: If anybody has any other concerns, I mean, it seems as though they have enough refuse enclosures spread out. Mark, did you do a count?

MR. ZEPPONI: We have eight.

MR. ARGENIO: Is there a code quantity?

MR. EDSALL: There is no code, we try to make sure there's enough and they are reasonably spaced and we work with Alan, there were some adjustments made over the last couple months.

MR. ARGENIO: What are you looking for from us tonight, other than the obviously--

MR. ZEPPONI: Forward motion.

MR. ARGENIO: Mark, what do you think about the plans? Are they in a substantial state of fitness, I mean, they have been here a lot and they have made a lot of changes, are they in a substantial state of fitness?

MR. EDSALL: As you noted earlier, the comments on here although there's several pages with a large project and a lot of sheets it's just clean-up stuff, other than the Corporate Drive which we have to nail down, we have now dealt with the billboard, we need to get McGoey's issues resolved but I think the plans after this clean up would be fine for a public hearing. So if the board is so inclined, you could authorize the public hearing subject to the clean up, getting Dick McGoey's issues resolved and at that point have them come back in again.

MR. ARGENIO: Dominic, what say you?

MR. CORDISCO: I think that's correct.

MR. ARGENIO: The things I see here on these comment pages I don't think they are going to be appreciably change the project from a public hearing point of view, I don't think, do you have elevations here? What's in the secret bin there?

MR. ZEPPONI: That's actually this drawing but in the full size segment.

MR. ARGENIO: Put it up, I'd like to look at it. Do you have elevations?

MR. SLUTSKY: Yes, we do.

MR. ARGENIO: Boy, I bet that cost a buck to get that done up. Make sure you bring that, okay, it's the same thing, make sure you bring that for the public hearing.

MR. ZEPPONI: Sure, yeah, this primarily focuses on landscaping and has a lot more detail for more detailed questions but--

MR. ARGENIO: Very symmetrical landscaping.

MR. ZEPPONI: Street trees, we then to do that around the sides where we want them we'll screen things generally soldiers.

MR. ARGENIO: Do you guys have any other questions, Harry or Howard?

MR. BROWN: Lighting.

MR. ZEPPONI: There's a lighting plan in there. Generally speaking, we have tried to minimize the lighting, we have lights at the terminus of all the cul-de-sacs, we have lights at the intersections, we have lights at the mail centers and the recycling centers and between long straight drives we have, tend to leave it darker just to keep the neighborhood quiet, so to speak. There was a request to show the lighting for the playground which we'll add a wall mounted unit that's the same colonial style.

MR. ARGENIO: Harry?

MR. FERGUSON: Nothing.

MR. GALLAGHER: Nothing, I'm good.

MR. ARGENIO: I'll accept a motion that we schedule--

MR. EDSALL: Just so that the record is clear, we need to have the water and sewer issue resolved so that we would hold the public hearing in abeyance until the updated plans of water and sewer are resolved.

MR. CORDISCO: I think to satisfy that we should have an follow-up memo from Mr. McGoey.

MR. ARGENIO: I agree with that from a layout point of view though they come a long way, Mark, from a layout point of view, they have come a long way.

MR. EDSALL: Absolutely. The problem again great deal of changes, the problem we were having or had before with a project of this size and this, this much information the plans were somewhat difficult to work your way through and they have resolved that, we're able now to verify a lot of the information and I think it's ready for public review once the sewer and water are resolved.

MR. ARGENIO: We're going to authorize I think if everybody's in agreement we're going to authorize that but it will be subject to and we'll not have it until the other two issues are wrapped up in a bow so to speak.

MR. ZEPPONI: Can we schedule it in anticipation?

MR. ARGENIO: Not going to happen, take care of it.

MR. ZEPPONI: Any anticipated schedule as to when?

MR. ARGENIO: I don't know.

MR. ZEPPONI: Things will come back to Mr. Slutsky so he has an idea.

MR. ARGENIO: I have no idea, get ahold of McGoey.

MR. EDSALL: I'm going to talk to Dick tomorrow morning and let him know where it stands, ask him to--

MR. ARGENIO: I'll accept a motion that we schedule a public hearing subsequent to the resolution of these

sewer and water issue with the town engineer.

MR. FERGUSON: So moved.

MR. CORDISCO: And the items on the plan.

MR. ARGENIO: Which items, Mark's comments and subject to Mark's comments, right, being addressed.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded. Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Tie up Mark's comments, you need to tie these things down with McGoey, two big hurdles. I would also like you to when we do have the public hearing Mr. Zepponi to show up with larger elevations a little more detail if you can do them in color.

MR. SLUTSKY: I can show you what I have.

MR. ARGENIO: I'd like to see them a little bit bigger just so we know what we're buying into here, it's important, it would be a good thing. Thank you for coming in.

APPLE RIDGE SUBDIVISION (08-16)

MR. ARGENIO: Apple Ridge major subdivision. This is the cluster proposal. For the benefit of everybody, I see Mr. Esposito coming forward.

MR. ESPOSITO: Mr. Chairman.

MR. ARGENIO: Could be good or bad, who knows. Apple Ridge major subdivision, the cluster application was previously reviewed at the 28 January, 2009 and 11 August, 2010 planning board meetings. So Mr. Esposito, same as the previous discussion we had with the prior applicant, tell us where you're coming from, where you want to go, what you're doing.

MR. ESPOSITO: Also joining me is Mr. Pfau. If you recall the last time we were here in August we had come in with an amended cluster plan. The original plan includes two farms, the Minard Farm which is 200 acre farm, the Dustin Farm which is about 118 acre farm and then during that time, my clients secured the back piece which is also another 101 acres. So it's total of 419 acres. We had amended our plan and amended our yield plan and established that we could put on 138 units conventional. We then revised the cluster plan, we reviewed that with the board and its consultants which also has 138 cluster units. After that review, this board forwarded it back over to the town board to reconfirm the clustering by that board, I believe back in October, the town board reconfirmed the site location and concept plan for clustering and then we took, we also received some comments from Mark back in August, we addressed those comments and then further developed, the plan is now a 12 sheet set, we graded out the roads, graded out the lots to make sure that everything works with regard to grading and preliminary drainage and we're here tonight really to talk a little bit about our next step and really we need to get into our heavy duty engineering with you, recall this plan is also going to have an on-site waste water treatment plant and on-site water plant so we're going to have central water and central sewer. Both of those are under the purview of the New York State DEC, they'll regulate the discharge, review the treatment plant and review the plans of the plant and also the sewer collection system. The water will be require a water taking permit by the DEC and the plant itself for treatment will be reviewed by the New York State Health Department and the distribution system will be reviewed

by the Orange County Health Department. There's certain things that we'll have to do as part of the joint, we're going to have to evaluate the site for the cultural resources, going to have to evaluate the site in terms of critical habitat, endangered species, we'll have to perform a 72 hour pump test for the domestic wells, we'll have to do waste water capacity analysis on the discharging stream and also be the SWPPP of course that will be reviewed locally and that will be part of the joint permit from the DEC. And then of course the corresponding engineering and plans and reports for the waste water treatment and for the domestic water so these are the things that we're getting ready to do.

MR. ARGENIO: All this money you're spending, do you even know you have water out there?

MR. ESPOSITO: We have already done some pre-testing on Minard wells and there's some pretty good sources of water out there. So we're pretty confident we have already had the geologist look at the site, they have done the first step which is a fracture trace analysis and recharge analysis for the site and they are very confident, there's more than enough water out there.

MR. ARGENIO: Anyplace out there where Supervisor Green can get half a million gallons a day maybe?

MR. ESPOSITO: We have 419 acres, you never know.

MR. ARGENIO: We'll talk about it. Go ahead.

MR. ESPOSITO: That's basically it. Mark's looked, had a chance to look at the grading plans, we have had a couple of workshops since back in August to today and like I said, we're ready to really cut loose.

MR. ARGENIO: Size of the lots typically about?

MR. ESPOSITO: The range of lots in this particular plan go from about 1,100, about a quarter of an acre up to 140 acres so there's quite a variety.

MR. ARGENIO: Danny's pointing out they are 1.8, 1.5, 1.9, is that right?

MR. PFAU: I don't believe so.

MR. ESPOSITO: No, they are about 20,000 half acre

lots.

MR. ARGENIO: Is that the number you used to calculate the yield?

MR. ESPOSITO: Right.

MR. ARGENIO: Boy, that's a little deceptive. Grading plan? We don't have that, that would be nice information to have.

MR. ESPOSITO: There should be a chart on the plans.

MR. ARGENIO: Let's move on, let's not get hung up. I recall a discussion, somebody help me, Mark or Dominic, did we not talk about some of these lots? They were going to be a little bit deeper, I think it was Henry Van Leeuwen's thought.

MR. CORDISCO: Correct, going towards the edge of the property rather than---

MR. ARGENIO: I thought we talked about that.

MR. ESPOSITO: Right, what we did is we took those lots and increased them to 200 foot depth.

MR. ARGENIO: Wait a second, what were they, Joe, and what are they now?

MR. PFAU: A hundred and twenty-five.

MR. ARGENIO: So you made them longer by almost half, two thirds?

MR. PFAU: Yes.

MR. ARGENIO: And what size are these lots here?

MR. PFAU: Those are half acre lots.

MR. ARGENIO: What were they before?

MR. PFAU: Quarter acre.

MR. ARGENIO: What are these lots in here?

MR. ESPOSITO: Those range from 11,000 square feet, 15,000 square feet and 16,000 square feet so quarter of an acre up between a quarter and a half.

MR. ARGENIO: Small lots but you do have green space, am I looking at wetlands or active water?

MR. ESPOSITO: Wetland corridor that runs through there, there's also some open space.

MR. ARGENIO: What's this white?

MR. ESPOSITO: Community green space inside the park. This particular plan previous serves approximately 355 acres.

MR. ARGENIO: I can see that.

MR. ESPOSITO: About 85 percent of the site.

MR. ARGENIO: Again, what's this here?

MR. ESPOSITO: That's an existing pond.

MR. ARGENIO: Behind it the square, yellow square?

MR. ESPOSITO: This is going to be a lot but part of the lot is going to be under conservation easement and the beige area is the area that was slotted for development so where you see these beige squares.

MR. ARGENIO: What are you putting in that area?

MR. ESPOSITO: House, we see these two lots as really being more farmettes, vineyard, horse farm, that's 140, acres this is 120 acres and I believe this one is 100, about 110.

MR. ARGENIO: I feel like I'm the only one talking tonight, if you guys have any questions, interrupt me please so mini farm here, there's the building area, where is the lot, show me the lot?

MR. ESPOSITO: Lot's here.

MR. ARGENIO: Big lot, this is 120, this is 140 so they are big enough to actually do something with them other than just build a big house. They are salable with the development in the front?

MR. ESPOSITO: We believe so, sure.

MR. ARGENIO: Point to the area where your plant, be it

water or sewer is going to occur?

MR. ESPOSITO: Proposed water treatment plant here and proposed sewer treatment plant there.

MR. ARGENIO: I see you have a road there, would that be an easement over that individual's property?

MR. ESPOSITO: Good question, probably will be if that road will probably be owned in fee of the owners of the lots.

MR. ARGENIO: You have been to the town board with this?

MR. ESPOSITO: They reconfirmed the cluster in October.

MR. ARGENIO: That's because of the additional lots the purchase of the additional lots?

MR. ESPOSITO: Correct.

MR. ARGENIO: I'm not a huge fan of the real small lots but you have the green area.

MR. GALLAGHER: What size houses on the smaller lots?

MR. ESPOSITO: Well, we actually submitted some house types earlier on if you recall we did an example streetscape showing relationship from house to house, give me a second, I can look it up.

MR. ARGENIO: You definitely did move this rear lot line.

MR. PFAU: Absolutely, yes.

MR. ARGENIO: I think this is good here, I think this is probably okay through here because you have the area I know behind the houses. What size houses?

MR. GALLAGHER: This is the house on the quarter acre lot?

MR. ESPOSITO: No, that's going to go on the half acre lot, these are the quarter acre lots. Again just the idea of the lot size near each that's the more I'll say more horizontal parallel to the road then there's going to be models that will be a little deeper.

MR. ARGENIO: What's the size of the homes?

MR. ESPOSITO: Probably going to be from 2,000 to 2,600, two car garages.

MR. ARGENIO: There's a few tight lots in through here, what's this here?

MR. ESPOSITO: This is actually an outparcel.

MR. ARGENIO: Where's the access for that?

MR. ESPOSITO: Well, we'll provide access off of the existing road.

MR. ARGENIO: Where is the current access?

MR. ESPOSITO: Actually just comes through here.

MR. ARGENIO: Landlocked piece of property, Mark?

MR. PFAU: If you recall, there was an original four lot subdivision that was part of this where that was one of the lots long time before we got involved in it four lots that came off, there was an access road pretty much where our road comes straight there and goes into that.

MR. ARGENIO: You're going to peel them access off here somewhere?

MR. ESPOSITO: Correct.

MR. ARGENIO: Mark, what do we need to be doing with this tonight?

MR. EDSALL: Well, as you note in my comments they are back with two new issues, one being the fact that they now have gotten the nod from the town board that the town board is okay with the cluster with the additional lots as Steve indicated. But as well they have defined I think it's six different type lots, different style lots as may be where different size houses are going to be proposed for construction, they have addressed the issue of defining lot size, they have laid those out so there's almost like mini clusters within the cluster plan for different size and style lots but I, what I need from the board and what the applicant needs from the board is some indication if the lot sizes, lot shape are acceptable because as counsel has educated us

in the past, the town board says yes to the cluster, the planning board says yes to the size of the lots. So that's your next step.

MR. CORDISCO: They have established a lot count that they could get if this was going to be a conventional subdivision. So the challenge now is to fit that number into an appropriate area on the site, of course the more, the smaller the lots the bigger the open space.

MR. EDSALL: So that's the first item that I believe is the next step for the planning board. The second step for the planning board which is my comment five deals with SEQRA, inasmuch as you have had prior to this cluster application a conventional application which I believe you took some SEQRA action and Dominic and I talked about it, I will lateral to Dom at this point he's got a suggestion on how we should proceed on SEQRA.

MR. CORDISCO: Well, the prior plan actually as I understand it received a negative declaration.

MR. ESPOSITO: And preliminary approval.

MR. CORDISCO: I think that was a 90 unit plan.

MR. ESPOSITO: No, that was the original I will call conventional plan with 48 or 49 lots on the Minard Farm conventional and 80,000 square foot lots, 200 foot lot widths and then in September of 2008 rolled around and my clients and I re-thought that product and we were convinced that that product no longer will be successful or sustainable and that's why we came back to the board with the cluster plan where we had the Minard and the Dustin farm 104 lots or something like that we received preliminary approval and a negative dec on the 48 but never got that far on the second on the cluster concept.

MR. CORDISCO: My suggestion was going to be that given that there was a conclusion to SEQRA for the 48 unit plan it would be helpful for this board to have comparison of the impacts between what they are proposing now and the 48 unit plan because really what you're evaluating for SEQRA purposes is the differential because you have already approved a project for a portion of this property.

MR. ARGENIO: Why wouldn't this stand alone? Why are we evaluating the differential?

MR. CORDISCO: Because the site has already been approved for 48 lots as far as preliminary approval is concerned so the impacts in some areas are going to be greater in some areas they are going to be less.

MR. ARGENIO: The impact is obviously more with the 48 lots in a conventional fashion, I would think.

MR. CORDISCO: In some regards, yes, some, no in terms of the lot area and amount of acreage disturbed it could be that the 48 unit plan would be more because it's spread out. But in terms of water usage, school children generation, things like that the impact might be different and it would help this board I think be able to adopt a negative declaration to close at SEQRA on this project because as I said you're evaluating the differential between the two to approve this. And you're not starting out from scratch. So I think it's better for everyone's concern because what you're doing you're not evaluating a green field with 138 unit development, you're evaluating a property that's been previously approved for 48 units that's now going to be a cluster that allows up to 138 units.

MR. ARGENIO: Well, this I think I know the answer to this this land in the back remains under the control of these lots?

MR. ESPOSITO: Yes.

MR. EDSALL: Deed restricted though?

MR. ESPOSITO: Yes, we'll have a conservation easement.

MR. ARGENIO: What's all the gray?

MR. ESPOSITO: Woodland, these are the lighter areas are fields, existing fields and the darker or the grayish greenish are existing woodland.

MR. ARGENIO: This is water?

MR. ESPOSITO: Wetlands, there's a band of wetlands that runs through here and off site.

MR. ARGENIO: How do I distinguish between this gray which is wetlands and this gray or is this the wetlands

here?

MR. ESPOSITO: Those are forested wetlands, they are in the woods.

MR. ARGENIO: All right. What do we need to do tonight?

MR. CORDISCO: To give them some direction, as far as the SEQRA issue goes, what I am suggesting in regards to that is that they prepare a document that goes through the impacts as you would on an EAF form but just evaluates the differential between the two that will provide a basis for this board to make a decision.

MR. ARGENIO: Let me jump in just for a second. From where I'm sitting I just would like the opportunity to at least consider it a bit what you're saying I think what you're, to maybe craft that document and get it to the board members to help them.

MR. EDSALL: Not suggesting any action, just suggesting they get it to you.

MR. ARGENIO: At the very least I know I assume you'd like some time to think about it what you're saying I think Dominic they can craft this document to his, give us guidance to reach a decision.

MR. EDSALL: In fairness to the applicant and if you are not prepared to make that call now, fine, let them know if you believe they should move forward with the detailed design on the lot layout and lot sizes they show because their next step just as Steve indicated is to start the detailed design and I think they're a little uncomfortable putting all that effort in till they at least get some type of indication that you're comfortable with the layout.

MR. ARGENIO: Well, the last time that we met and I guess as a question to you guys is we saw the same drawing, correct me if I misspeak somebody, the engineers, the professionals, we saw the same drawing relative to the layout and the comment was that you know you should increase the size of these lots here and you'd have that, is that right?

MR. PFAU: Yes.

MR. ARGENIO: Okay.

MR. CORDISCO: They also need a public hearing on a preliminary plat.

MR. ARGENIO: Certainly Howard or Harry, do you guys have any additional thoughts about the lot size thing?

MR. FERGUSON: I think it's cramped in here.

MR. CORDISCO: On that particular point, if I can just offer one observation because of the scale of the plan the lots may look smaller than they actually would so maybe something that they could do as far as a preliminary hearing is just take a portion of it and blow up so that the public can see areas where the road is.

MR. ARGENIO: You're looking at a 200 scale.

MR. PFAU: If you look at the 50 scale in the area of the grading plan which is sheet 1.

MR. ESPOSITO: One of the things we tried to do in the layout this whole row of lots have a very big back yard.

MR. ARGENIO: Absolutely, and just because that back yard is not shown on the same color of the lot it's your back yard.

MR. ESPOSITO: These are imaginary lines and the same thing.

MR. ARGENIO: Unlike Mt. Airy project where at the back of that line there's another house 35 feet from the thing. Well, you do have that here but that's certainly not the whole subdivision.

MR. ESPOSITO: Right, and the idea on these groups of lots is that centerpiece that's going to be a communal centerpiece.

MR. ARGENIO: I don't think I'm twisted up about that, may need a little bit of massaging but as I said, I want to have time to consider the negative dec a little bit and I'd like you to prepare the document suggested and I'm going to take the time to go to Town Hall and look at this a little closer with a scale in my hand.

MR. ESPOSITO: What we'll also do is resubmit I think

it was helpful last time the streetscape just to get a feel of the relationship of the houses. We have set up as Mark said we have set up some clusters within the cluster for very good reasons, our clients are very skillful builders, we want to be able to respond to market needs. In other words, we think that the smaller lots, smaller amount of infrastructure for long term maintenance will respond to certain needs and we'll have a bigger depth of lots and you can always buy a ranch, we think it's responsive to today's needs.

MR. ARGENIO: You got anything?

MR. GALLAGHER: No.

MR. BROWN: Harry brings up a point on the blown up picture you've got like a cluster of five houses right next to each other and looks like they are right on top, 23, 27, 25, is there any way that this part here can be fashioned--

MR. ESPOSITO: What are the numbers?

MR. FERGUSON: 123, 124.

MR. ARGENIO: Say it again, I'm looking at the page now.

MR. BROWN: 123, 24, 25, 26 and 27 each touch each other, do you see that?

MR. ARGENIO: Let me make this suggestion in that area Steve and Joe if you could pull two lots out of there?

MR. ESPOSITO: That's what we can do.

MR. ARGENIO: Put them somewhere else, it may give the room that you're, I think you're suggesting they should have.

MR. ESPOSITO: Absolutely.

MR. ARGENIO: Would you take a look at that?

MR. ESPOSITO: Particularly, I'm looking right now at 125.

MR. ARGENIO: Not asking you to lose the lots, pull them out and put them somewhere else that would open that up, I think that's a good idea. What else on

this, Mark or Dominic?

MR. EDSALL: I think that's all you can do.

MR. ARGENIO: What else do you have?

MR. ESPOSITO: We're good.

MR. ARGENIO: Thank you for coming in.

PUBLIC HEARINGS:MEADOWBROOK ESTATES CLUSTER SUBDIVISION PLAN AMENDMENT
(01-24)

MR. ARGENIO: Okay, public hearings, Meadowbrook Estates cluster subdivision plan amendment. The applicant has submitted an application to amend their final subdivision approval for a cluster type configuration. This plan was previously reviewed at the 28 July, 2010, 15 September, 2010 and 9 February, 2011 planning board meetings. The applicant is here tonight before the board for a public hearing. I just want to read Mark's first comment for the benefit of everybody in the room that the project last received approval for a 90 lot single family residential subdivision on 169 plus acres on 18 November, 2009. The applicant is seeking a cluster subdivision approval based on the approved 90 lot count and has submitted an application in connection with that request. The application proposes 89 residential lots and one to be dedicated to the town park .that's the Mt. Airy Park. I see Mr. Pfau is here, tell us what we're here to do tonight, Joe, and then I'd like to give it to us, first tell us what changes we have made and with no further ado I'd like to get comments from the public cause there's a few people in the audience.

MR. PFAU: As the chairman had stated this piece of property is 169 acre parcel of property, it sits behind the Meadowbrook Lodge off New York State 94 actually from the south end of The Reserve subdivision also has frontage along the westerly side of the existing town park and does have a small amount of frontage on Mt. Airy Road. The project was as stated previously approved a 90 lot subdivision, a conventional subdivision which pretty much took up the entire property, 90 lots, that project was approved and ready for construction, had all its approvals, had all its permits, ready to put a shovel in the ground. We re-analyzed the project, considered smaller lots clustering the subdivision onto one portion of the project and leaving the remainder of the project as open space. It's 169 acres total, we're going to be providing 69 acres of open, I'm sorry, 89 acres of open space, well more than 50 percent of the total project site. As part of that open space, we're going to be dedicating a 74 acre parcel to the town which is adjacent to the park, it does have wetlands on it but there's a sizable area of upland adjacent to the park

which will be very good for any future expansion of the fields.

MR. ARGENIO: Who is going to own the rest of the green area?

MR. PFAU: Well, the rest of the green area there's only one other piece of green area and that's this parcel here, right here it has one of our proposed detention ponds on it so I believe that that will either be a dedication to the town for the abatement of the storm water pond or it would go into a parcel that would be--

MR. ARGENIO: That's prior is like not going to happen, somebody else is going to maintain that thing other than the Town of New Windsor.

MR. PFAU: Okay, however--

MR. ARGENIO: Figure out how to do that, that's your job, run your finger around the area that's being dedicated to the town for use as the park.

MR. PFAU: This area here, this piece of green area because this is the park and this is actually a photographic photo of it, you can see the park, it's right here, goes all of this area here.

MR. ARGENIO: Got it.

MR. PFAU: We have as the originally approved plan we have two access points, we have one in the existing subdivision and one off of New York State Route 94 that hasn't changed the total number of units has not changed. Our water and sewer connections are in the same points as the previously approved plan, we have complete and full SWPPP which has been reviewed, we have made some revisions based on comments, we have actually submitted for our notice of intent and received that from the New York State DEC with regards to the SWPPP that's pretty much the layout for the project. Let me go through the lot sizes cause this was an issue that was discussed in detail with the planning board, these lot sizes they are, smallest lots are 25,000 square foot where the--

MR. ARGENIO: About a half acre?

MR. PFAU: That's correct, little more but the lot

widths are 125 foot, very nice streetscape and just to make a comparison the typical lot size in The Reserve is 10,000 square foot so these lots are more than double the size of that. The access point out of The Reserve comes through an existing paper street that was approved as part of that project, we only have lots shown on one side of that particular road.

MR. ARGENIO: That's the through road we asked you to create?

MR. PFAU: That's correct. And then I just want to make one more comment during the construction of this this was something that Mark had wanted we own, there's an old railroad bed that runs through the site and our construction equipment when we go will access through that location and will not access through.

MR. ARGENIO: What a great idea.

MR. EDSALL: Thanks.

MR. ARGENIO: It's fantastic, one of the biggest issues.

MR. EDSALL: Because if he goes on the other roads he's going to be damaging the roads and I know the Supervisor will definitely have something to say about that.

MR. PFAU: And how we're going to work that.

MR. ARGENIO: Unless you guys have a compelling question you'd like to ask which certainly if you need to do it I'd like to open it up you guys have anything you need and want to address right now? Where is the notice? Joe, please turn that towards the audience if you'd be so kind. On the 22nd day of February, Nicole compared 89 addressed envelopes containing notice of public hearing for this application. She received those addresses from the town assessor. She sent them out notifying everybody of the public hearing. At this time I'd like to open the public hearing on this, anybody has a question, please raise your hand, be recognized, come forward and speak clearly so everybody can hear. And that said, if anybody has a question, please? Yes, sir, please come forward. Sir, if you'd just take a moment and put your name on that piece of paper there where the pen is, that would be helpful for the stenographer.

MR. FORGUSH: My name is Norman Forgush, I live at 23 Misty Ridge Road and the reason I'm here tonight is my property adjoins this piece of property. I don't know where, maybe you can show me on the map?

MR. PFAU: Well--

MR. ARGENIO: Joe, just twist it a little bit so we all can see it, that would be fine, great.

MR. PFAU: Here's the existing Reserve subdivision, I don't have all the--

MR. ARGENIO: Are you in The Reserve, sir?

MR. FORGUSH: I'm closer to the Meadowbrook Lodge.

MR. PFAU: This is, I can show you. This is Meadowbrook Lodge, this is Mt. Airy Road, this is 94.

MR. ARGENIO: What's your question, sir?

MR. FORGUSH: What kind of buffer zone will there be between those two houses and the project?

MR. PFAU: Well, the lots themselves are I believe 200 foot in depth, okay, there is a front yard setback of 30 feet.

MR. ARGENIO: Go to the plan map that would be helpful.

MR. PFAU: It would be these lots along here, the lot depths are 200 foot on those lots, we have a 30 foot front yard which would have all the houses set on that front yard.

MR. FORGUSH: How far back will the house go?

MR. PFAU: We don't have house designs but assuming a depth of 30 foot it would be 60 so you'd have a yard, there'd still be considerable buffer.

MR. FORGUSH: The trees have been left?

MR. PFAU: Yes, in our plans we have a limit of disturbance that we show around the lots.

MR. ARGENIO: What page is that on?

MR. PFAU: That would be page 17 and 18.

MR. FORGUSH: Well, I want to get an answer to this and that's what I am waiting for.

MR. PFAU: Also shows up on sheet 15 which is the construction phasing plan that also shows the same limits of disturbance that actually might show it a little bit better.

MR. FORGUSH: How deep would that be at that point?

MR. ARGENIO: Address the gentleman's question.

MR. PFAU: Look, look at the plan, I would say you have 35 foot from property line to the edge of the clearing limits 75.

MR. FORGUSH: That 75 feet will be left wooded?

MR. ARGENIO: It will be left undisturbed, if it's wood now it will be woods when they are done. If it's a field, it will be a field when they are done.

MR. FORGUSH: My property goes up to the stone wall which is field and then the woods there and I'm looking for that protection.

MR. ARGENIO: Undisturbed is undisturbed.

MR. FORGUSH: That answers my question. Thank you.

MR. ARGENIO: Thank you Mr. Forgush. Anybody else? Mrs. Ostner, please come up.

MRS. OSTNER: Can I just, where is Route 94 on that?

MR. PFAU: Route 94 is along the bottom area here.

MR. ARGENIO: Mrs. Ostner, I know you obviously but would you put your name on the paper for the stenographer please?

MRS. OSTNER: Route 94 is down the bottom?

MR. PFAU: Yes, shows up better on the photograph here but right down here and this is the Meadowbrook Lodge right here.

MRS. OSTNER: And the lots are going to be bigger than

The Reserve?

MR. PFAU: Yes, they'll be 25,000 square foot lots.

MR. ARGENIO: Mrs. Ostner, yes.

MRS. OSTNER: I wish I had seen something like this for The Reserve.

MR. ARGENIO: You and me both.

MR. BROWN: Me too.

MR. ARGENIO: We all learned from it, thank goodness. Thank you, anybody else?

MS. VAZQUEZ: Grace Vazquez, I live in The Reserve. My house is the house that comes directly, I'm on Settlers Ridge, so if I may, my house is right here, my house when you're coming up the road the lights are going to be, my house is like right here. So my questions are first of all like is there going to be trees behind this lot here? Is there going to be a buffer between these homes on this lot that's 90, what is it, 66?

MR. PFAU: We do have a buffer it shows up on I believe--

MR. ARGENIO: What's your concern, ma'am?

MRS. VAZQUEZ: Well, I'm just wondering if it is going to be like right now because it's just all like dirt and just the chippers are there and there's all this construction and looks like the house, I don't know if they are going to put the house right there. Is there going to be like a sidewalk that's going to, an existing sidewalk that's going to come across like it's going to be that close where it is all connected?

MR. ARGENIO: Joe, you need to address, I can't address it.

MR. PFAU: Right now, we're not proposing sidewalks on the project.

MRS. VAZQUEZ: There's no sidewalks?

MR. PFAU: That's our proposal.

MRS. VAZQUEZ: Across from my house, I don't know what

they want to call it, a retention pond if they want to call it that there's just that--

MR. PFAU: The pond that's there.

MRS. VAZQUEZ: The swamp of like it's just disgusting so--

MR. PFAU: I believe it's a retention pond.

MRS. VAZQUEZ: Yeah, it's just gross. So what impact is that going to have on that? Are they going to, you know, cause right now, it's all just, you know.

MR. ARGENIO: Overgrown?

MRS. VAZQUEZ: Overgrown. I don't think The Reserve ever really addressed it the right way.

MR. PFAU: The storm water will not go into that pond, our storm water will be collected and taken down this street into a pond right down at this intersection right here.

MR. ARGENIO: Mrs. Vazquez, my comment may be helpful and it may answer some of the other questions you may ask. The intent here is not to have a major roadway going passed your house. The intent was mainly for safety, health, life and safety to have this, these homes connect to your development so that in the event that there's a fire or a tree limb falls across the road or some such thing, emergency vehicles have multiple ways to get in. And I can assure you that when they connect this development to your development it will be done proper and in a neat, workmanlike fashion and it will seamlessly flow one development to the other. Is that correct, Joe?

MR. PFAU: Yes, it is.

MRS. VAZQUEZ: I know the trucks are there and I know you answered one of our main concerns earlier where is the construction?

MR. ARGENIO: That's fantastic, victory for everybody.

MRS. VAZQUEZ: That was one of the main concerns but is there like a timeframe for where for the trucks that are, that are working there now?

MR. PFAU: Yes, there is, right?

MR. SWEIKERT: They'll be out of there shortly, even where they are parked now that's going to change tomorrow as they go further and further into the development they'll get further and further away from your house.

MR. ARGENIO: They are not coming into your project, through The Reserve?

MRS. VAZQUEZ: Yes.

MR. PFAU: The tree cutting I don't know which way they came in, first thing they had to do they had to cut that bed to get in.

MR. ARGENIO: Joe, you can cut your way in from a project to a project however way you want, I think that you guys should really think about that, that's a problem. Do you guys disagree? Am I off base with this, Mark?

MR. EDSALL: No, my understanding was they were going to access the site from the 94 side.

MR. ARGENIO: That's not the deal, the clearing thing we talked about that you guys are on firm footing with that but you need to get in there, find a different way other than driving passed these people's houses.

MR. EDSALL: Understand that that strip of property that runs between Settlers and your property is not a public road, it's owned by the town. So if you want to use that for access, you need to get approval from the town and I don't believe you have gotten that approval so you shouldn't be using it.

MR. ARGENIO: I don't want to beat it to death, we're not here to beat you guys up.

MRS. VAZQUEZ: We get--

MR. ARGENIO: On the odd event a truck goes through there, it can happen, a vendor can get lost but it shouldn't be used during the normal course of business.

MRS. VAZQUEZ: We saw the trucks, they have been chipping again.

MR. ARGENIO: What other thoughts?

MRS. VAZQUEZ: You might not be able to answer this but I know that that property is going to be donated to New Windsor. Is there a portion of that property that it's because it's wetlands it can't be developed?

MR. PFAU: That's correct.

MRS. VAZQUEZ: What part of it, like is the portion behind here where it can or cannot be developed?

MR. PFAU: This is an isolated wetlands, this does not fall under the purview of the Army Corps. of Engineers, so the town could fill that in.

MR. ARGENIO: Ma'am, I don't think there is a definitive answer to your question but a sweeping answer I will give you the area that we would develop for the park would be from the park extending into this piece of property and it would terminate at some point in time.

MRS. VAZQUEZ: Do you know if there would be any intention to open up Pioneer to connect to like another road?

MR. ARGENIO: I don't think that's your intention at this time. I won't speak for you, if that was the intent it would be on the map.

MRS. VAZQUEZ: Thank you very much.

MR. ARGENIO: Different question on a new subject. Anybody else? Yes, ma'am?

MS. PEEN: Sabrina Peen, I live on Settlers right across from Vazquez and I'm actually on that road so I know you answered some of our questions about access and all that but the chipper I just want to address because the chipper was right by my lot and chipping the wood and there's debris all in my back yard from that so it's a concern because I have an inground pool.

MR. ARGENIO: I got an answer, this is easy. Jennifer, have somebody take a spin, make sure everybody is staying on their own property, Mrs. Peen, 563-4618 Jennifer Gallagher, you call that number, they have the right to work on their property and do what they need to do but if the chips are blowing into your pool I

would hope that we can work out with you guys without calling me, work out an amicable solution, I'm sure of it.

MRS. PEEN: Okay, and then that was my short term concern. And then as far as tree line, I mean, it's hard to tell now what it is, they are still in construction but I want to make sure how much of a buffer will I have between my lot and the 66 lots?

MR. ARGENIO: You need to point to the lot.

MR. PFAU: Her lot is on the corner right here and right now we show I looked at the plan we have a 20 foot buffer there, I don't know exactly what the tree, you know, what's good in there but I think if for some reason it's not a thick area we can work as far as additional plantings, putting some evergreens.

MS. PEEN: Because when we moved into The Reserve, we paid a, I paid an additional amount to have a private lot but not knowing that this was going to happen. So I have a lot of work in my back yard I want to make sure that it is still private at some point.

MR. ARGENIO: Can you show some evergreens in that area, yes, on lot 66 would you do that?

MR. PFAU: Absolutely.

MR. ARGENIO: Because the buffer is only 20 feet, I don't think that should be a big deal.

MS. PEEN: That would be wonderful.

MR. ARGENIO: What else?

MS. PEEN: That's it.

MR. ARGENIO: Joe, that's not a killer, right? That's fair. Let me, anybody else have a question? Yes, ma'am?

MS. RODRIGUEZ: My name is Shantel Rodriguez, I live behind I would say your new lots to be 85, well 83 through 87 rather. This is my property, this is your potential, I also paid a lot premium to live on that lot with the understanding that those woods would remain.

MR. ARGENIO: Who gave you that understanding?

MS. RODRIGUEZ: The Reserve did, okay, but either way, I understand that you are a new builder and you're building behind. I'd like to know how much of a woods are going to remain behind there as a buffer?

MR. PFAU: I took a look at 9 lot sizes 200 foot of lot depth so we estimate about 75 into the--

MR. ARGENIO: Looks to be about the same 70 foot Mr. Forgush's lot more or less.

MS. RODRIGUEZ: So you're saying only 75 feet of greenery?

MR. PFAU: That's correct.

MR. ARGENIO: Let's call it undisturbed area.

MS. RODRIGUEZ: So a portion of it was already disturbed just so that you know I'm living there for about 9 1/2 or so years, many trees have fallen out of the Meadowbrook Estates property onto my property with damage, we have paid quite a bit of money to remove some of those trees. You tell me that you are going to build behind there, I have a big concern as to exactly where that build is going to start.

MR. PFAU: Well, I mean--

MR. ARGENIO: Where the building's going to start as it relates to your property?

MS. RODRIGUEZ: As it relates to my property?

MR. ARGENIO: You say you have a big concern, the number is about 70 or 75 feet and that's, what can we do for you?

MS. RODRIGUEZ: Well, I'd like to know that you're maintaining some of the trees, some of the trees have already been taken down, as I said, due to the fact that they have fallen out of the woods onto our land and for safety reasons, they had to be removed off of a few properties on that side. So I am concerned about, you know, you have a buffer but your buffer probably only starts from where your project starts, not necessarily where we have cleared some of these trees.

MR. ARGENIO: What needs to happen is one of the common things we're hearing is the privacy thing, you guys are going to have to try to make sure that when they develop the lots that you, cause we clearly have a disturbance limit here and I think the area you're disturbing is not unreasonable. I think it's relatively close to the homes but you're going to have to flag those lots to make sure that you're not cutting stuff or your contractors are not unknowingly cutting stuff that shouldn't be cut.

MR. SWEIKERT: Can I speak to that for a moment? I can't speak for other developers, I know this particular developer has had a history of keeping as many trees as possible. One of the reasons why some of the trees fell on your property is because forests do that as they change, as they grow and as they mature if trees are too close together they rob each other of nutrients and some survive and some don't. That's just the way of the world. That's the ebb and flow but we will not clear anything that doesn't need to be cleared or any trees that are sick or diseased and deserve to be cleared so you won't have that experience.

MR. ARGENIO: And that's something that the builder prides himself on, he built The Greens in Woodbury if you take a ride you'll see how that's, how that property looks now.

MS. RODRIGUEZ: I'm under the impression I'm just feeling that I know you guys are going to build regardless, I feel like everything along Settlers there should be a decent tree line going along, I know this all bumps up into a portion of wetlands and then just in front of lot 66 there's a potential of you having a recreation center probably right across from this existing lot here. I don't know what the plans are but I'm really concerned about it because already the town has done some things in the recreation center that are, has affected The Reserve's quality of living, you know, so, I mean, if you're going to propose something here we're supposed to have pools, we're supposed to have certain things here in the town we don't have them. What are you proposing?

MR. ARGENIO: Ma'am, Mrs. Rodriguez, with all due respect to you, we cannot have a debate here tonight about the town's policy with pools and things of that nature, I want to stay focused on the application. Now the questions you asked about the clearing are very

relevant and very germane but and certainly if you have any other questions or comments about the plan or the project we'd like to hear them because that is what we can deal with here.

MS. RODRIGUEZ: Well, again, my main concern was already addressed, if you say there's going to be a tree line and there's no disturbance to my property and you're doing that building then it's set forth. I would just like to put on record that I would like to see if there could have been a larger tree line, again a few of us, pretty decent handfull of us paid between 25 and 30 for these lots with the understanding--

MR. ARGENIO: And the developer told you it will never be developed?

MS. RODRIGUEZ: Exactly. So if Meadowbrook can donate some land to the town to extend a recreation center I can't see why they can't maintain more quality of living for the people whoever lived there, paid a lot premiums and who have been maintaining that lot, those lots all this time.

MR. PFAU: I'd just like to say that our lot depths are twice the depths of the woods in The Reserve. Your lot depths are 100 foot and I believe that's part of the problem when your lots were developed you cleared right to your rear property line so you don't have any buffer on your own property, that's what I see when I'm out there and as part of this process we were asked to increase those lot depths considerably so we could provide these buffers. That's what we have done, we have doubled the lot depth because of that.

MS. RODRIGUEZ: My lot doesn't hold that same truth of thought but I do have quite a bit of woods behind me and I'm hoping to maintain some of that simply again because we have maintained it and we purchased these lands with the understanding that we'd have two neighbors, not four or 46.

MR. ARGENIO: Ma'am, it is what it is, I'm sorry it's not something that we can affect whatever they promised or didn't promise.

MS. RODRIGUEZ: What schools is this going into?

MR. PFAU: Cornwall. I'm sorry, Washingtonville.

MS. RODRIGUEZ: Between Washingtonville and Cornwall, no one knows which school district this is going to be in. I was told a hundred percent Cornwall this afternoon and you're saying Washingtonville.

MS. GALLAGHER: Mr. Chairman, I checked with the tax assessor today and I also checked with the receiver of taxes today and they said that this lot is in Cornwall, for Cornwall School District.

MR. PFAU: I will modify the plan.

MR. ARGENIO: That's the building inspector.

MS. RODRIGUEZ: Do you know when groundbreaking is going to commence?

MR. PFAU: We'd really like to start our anticipation if we get our agency approvals in a timely manner we're really looking to start in early summer.

MS. RODRIGUEZ: And do you know which part of the division you'll start with?

MR. PFAU: We have a phasing plan for the project, the first phase is to get this road done and completed to this point right here so that it is done, it's stabilized and so that--

MS. RODRIGUEZ: What lots are those?

MR. PFAU: This would be lots 59 through 66.

MS. RODRIGUEZ: What's your second phase?

MR. PFAU: Second phase will be, it's actually broken into two phases because we can't do more than five acre of disturbance at a time. The second phase would be continuation of the road out to 94 and the third phase would be this section right here and the last final phase would be this section up in this area here.

MS. RODRIGUEZ: You're building homes for the individual or rough building them, just putting them up and people are picking from models and lots?

MR. PFAU: I don't know.

MR. SWEIKERT: We're working on all that but we're going to have different models to choose from and

different designs to choose from.

MS. RODRIGUEZ: What are the prices of the homes starting at?

MR. SWEIKERT: We're working at that now.

MS. RODRIGUEZ: What are the sizes of the homes?

MR. SWEIKERT: They'll be approximately the same size as The Reserve homes.

MS. RODRIGUEZ: What's that?

MR. ARGENIO: Mrs. Rodriguez, if I can interrupt you just for a second, ma'am, that's okay that you're asking but there are other people in the room, let me just finish, that may want to have the opportunity to speak and if we can hear from them, if we have time we can certainly come back.

MS. RODRIGUEZ: That's fine.

MR. SWEIKERT: We're still in the formulation stage, it's going to be approximately the same size as The Reserve. I don't want to speak because if that changes slightly then you may hold that against me and say I said one thing tonight and three weeks from now it's something different. We're formulating all that right now but what I can say is it will fit the character of the neighborhood.

MS. RODRIGUEZ: Okay, thank you.

MR. ARGENIO: Thank you, ma'am. Anybody else? Sir, gentleman in the back?

MR. YEADON: My name is Ronald Yeadon, I live on Settlers Ridge, 2416, I'm just concerned because back in 2003-2004 when they first presented this development to us it was confirmed that pretty much they were going to put the street there but really only going to be for emergency purposes and also at that time it was told that those homes would be twice the size of our homes for the most part, we wouldn't actually see it because of the green lands and--

MR. ARGENIO: Let me just say this to you and I want to say this to everybody in this room. We can't control, I can't control, Supervisor Green can't control,

Counselor Mike Blythe, anybody, we can't control what these other people say, these other developers.

MR. YEADON: This was in a letter here and they presented that to us because we received letters indicating that they were going to propose this development, that's what some of the concerns that they told to us.

MR. ARGENIO: That it was going to be forever green?

MR. YEADON: No, they presented in 2003-2004 shortly after we moved up they presented this to us that it, there was a possibility that the street was going to be placed there but it was going to be for emergency purposes as well as they told us that the green lands had to remain for the most part, we would not see those homes because the amount of green lands that was going to be in between there then they also stated that at time like I know things change--

MR. ARGENIO: Who's they?

MR. YEADON: In the town meeting in the hearing here.

MR. ARGENIO: Public hearing for the planning board? This is the only public hearing we've had on this.

MR. YEADON: In 2003 and they basically stated that those homes would be twice the size of our home. And I understand things change, I think our main concern is that we hadn't been receiving any update letters regarding present hearings, that there were changes being made, equipment shows up, construction starts and it's right through our development.

MR. ARGENIO: Let me share with you a little bit through your development I think we resolved that if anybody was aware that was going on I'm sure they would have done something about it. You're a hundred percent right that things change, times change, markets change, economies change, sizes of lots change, the viability of this development in '96 is one thing, the visibility of that development in 2006 is something very different. At the end of day when the developer comes to this board and says this is what I want to do with a certain set of laws and rules they have to adhere to it's called our zoning code in the Town of New Windsor. Now, what we do is the original project years ago somebody came and said like we want to do this project,

it's going to be huge homes, they paid the money, they set the ball rolling. Guess what happened, they decided I can't sell the homes, my model doesn't work, scrap the project, that's what happened. Somebody else picks up the project, the lot, let's say, and then they come to this board in 2010 or 2009 or whenever these folks showed up and they said we have assessed the market, this is what we think works, here's what we're proposing, it works per your code, we're following the laws, we're following your code. So this board has another public hearing, why do we have that, to keep folks informed, so ladies, people like Mrs. Rodriguez can come in and say we're very concerned about the buffer. Well, guess what if he can affect that and we'll affect it and we did affect it tonight and that that's how it works, I certainly, you seem like a very bright gentleman, I certainly would not want to insult you but these are the things that we do, there's things we can control and things we can't control.

MR. YEADON: I totally understand that, I guess my bigger point is because at that time there was no discussion that the park was expanding from that.

MR. ARGENIO: Again, same thing.

MR. YEADON: The biggest concern with the park is quality of living because it's fine that the park is there but when you put the stadium lights that beams into your home that's a different affect, that's a concern from everybody who lives there.

MR. ARGENIO: Thank you for bringing it up, it's got nothing to do with this but thank you for bringing it up.

MR. SWEIKERT: Can I just say one thing, Mr. Chairman?

MR. ARGENIO: I really would like to keep moving unless you have another question.

MR. YEADON: No.

MR. SWEIKERT: I defer to the chairman.

MR. ARGENIO: Thank you, sir. Gentleman in the back?

MR. COLONE: Ralph Colone, I live in The Reserve, lot 7710, 1 Settlers Ridge. My concern is the tree line that's there. I took Frank the previous owner of the

land to court to get the tree trimmed and the court of New Windsor denied my claim. The trees are old, winds come by, blows the branch down, they are falling.

MR. ARGENIO: This is not the, I don't know what, what would you like, there's nothing we can do.

MR. COLONE: Somebody has to maintain the trees, cut them down.

MR. ARGENIO: We don't do that, we don't do that.

MR. COLONE: Who would I go to to maintain the trees second time it came up?

MR. ARGENIO: Jen?

MR. COLONE: I've got trees.

MR. ARGENIO: This is not the venue for this discussion but you're here, Jennifer, do you have any thoughts, Jen, tree's on whose property?

MR. COLONE: There's--

MS. GALLAGHER: Yes, it's civil and you have already gone to court and the judge has decided that you couldn't do that.

MR. ARGENIO: He decides that way for a reason. There's nothing you can, we can do about limbs that blow on your property. I have the same problem quite frankly. Thank you. Anybody else?

MS. YEADON: I'm Cat Yeadon, the wife of the nice gentleman back there. I understand about the houses and the going up the road, I just really and I have heard things that were addressed but in regards to the road that's there, the pond that's there now that's been just an eyesore forever but the road we have children, a lot of children that are going up and down there. And while you're doing this construction the day I came home I saw the bulldozer just come through there and we didn't get any information about it and I understand that this is happening but to ensure the safety of the children when they come home from school and in the summertime and that road, is there, is there anything that's going to be there as you're going up the hill, we basically can't stop them but as you know it stays light out, children do things, is there

anything that will stop the children from something happening because yesterday I came home and there was a bulldozer on the other side of the street.

MR. ARGENIO: You guys need to where the road connects you need to put a temporary construction fence across there. Now that's not an orange safety fence, that's a temporary chain link construction fence. That, madam, is a perfectly reasonable request.

MS. YEADON: Thank you.

MR. ARGENIO: Thank you. Anybody else? Go ahead.

MR. FORGUSH: I should of asked this, that 200 that buffer that will be left for me we figured 30 in the front, 30 for the house, 60 from 200 is 140.

MR. PFAU: Well, we have to give them back yards as well.

MR. ARGENIO: You need room to construct the home.

MR. FORGUSH: I said 30 in the front, 30 for the house and then there's 60, there's 140 left in the back yard.

MR. PFAU: Right.

MR. FORGUSH: That buffer zone is on their property though, right?

MR. ARGENIO: Correct.

MR. FORGUSH: What prevents them from after you leave cutting down those trees?

MR. ARGENIO: I can answer that. Nothing.

MR. EDSALL: Well, maybe Mr. Chairman we have been having quite a discussion on the side here and we have Mrs. Rodriguez, Mr. Yeadon, Mr. Forgush all who are very interested in maintaining this buffer. A promise isn't as good as a deed restriction so we, my suggestion is that the applicant come back to this board after they have had adequate time to think about it and propose an actual deed restricted section of the property be put, 50 foot strip that's prohibited from clearing or modification other than for diseased trees.

MR. CORDISCO: Existing residences.

MR. ARGENIO: For the lots adjacent to the existing residences.

MR. EDSALL: And the members of the public who commented that's going to be a deed restriction that you can then enforce via civil action. It's not something that you can come to the town and we're going to send out a posse to stop the clearing but you'll know it's there and you can take civil action to stop them.

MR. CORDISCO: It runs to their benefit.

MR. ARGENIO: The hour's late, we need to keep moving.

MR. SWEIKERT: I think it's a reasonable request.

MR. ARGENIO: Thank you. Anybody else?

MR. GALLAGHER: Make a motion we close the public hearing.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded we close the public hearing.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you for your commentary, it was very respectful and very intelligent. Joe, take a look at 77 through 87, see if that road can be hooked to the left just a little bit, I don't know why you can't do that, see if that road can be hooked to the left a bit so we can give these folks a little bit more of a buffer area.

MR. PFAU: I'm sorry, Mr. Chairman?

MR. ARGENIO: This road here, see if you can hook that road, see if you can push that road to the left.

MR. PFAU: The problem is the topo it gets very steep.

MR. ARGENIO: Take a look because those lots are deeper and if we can give them a little bit more room without causing great hardship to anybody I'd like you to take a look at that, please.

MR. PFAU: No problem.

MR. ARGENIO: So I don't want to belabor this, Joe, very briefly there seems to be a problem with you meeting the slope requirements of the Town of New Windsor at the intersections with these roads. What's the deal? Can you get this done or can't you?

MR. PFAU: Yes, absolutely.

MR. ARGENIO: You have to do some cuts and fills, I know nobody wants to pay for them but you've got to do them.

MR. PFAU: Yes, we actually had modified it once, I don't know, I didn't get a chance to go--

MR. ARGENIO: Fact of the matter is you're too steep in a lot of areas, we have a code for a reason people sliding through intersections on ice, blah, blah, blah, et cetera ad nauseam, it's there for a reason. If you have to move some dirt, you have to move some dirt but you need to meet the requirements.

MR. CORDISCO: Mr. Chairman, this board has previously adopted a negative declaration and you just closed the public hearing. In order to avoid a default approval when there are still outstanding items, it's appropriate at this time to ask the applicant to suspend the timeframes for this board to make a decision.

MR. SWEIKERT: I just have a question regarding that issue, what do we need to accomplish so we can take care of all of that for you? What are the outstanding issues that you're concerned about on that list that we just got this evening?

MR. CORDISCO: Primarily in Mark's comment memo and also in connection with coming up with a proposal regarding the deed restrictions would be another outstanding that's not on that list.

MR. ARGENIO: That's not exactly the limit of everything, something else might pop up and if you need

to take care of it you need to take care of it. And we're not going to globally in a broad stroke fashion take care of it but something might come up that we missed or Mark missed and there may be a suggestion here or there but I think we have covered the bulk of this thing.

MR. SWEIKERT: I'm trying to figure out when can we get back on an agenda so we can maybe get preliminary approval.

MR. ARGENIO: Do your homework, the stuff that we talked about.

MR. SWEIKERT: As fast as we get it back to you, fair enough.

MR. CORDISCO: In the meantime, there's a 62 day timeframe which this board is supposed to act and what I am suggesting is that you acknowledge on the record that that timeframe has been suspended and if there comes a time where you want to unsuspend that timeframe and request an action by the board you're entitled to do it. But for tonight's purposes, I'm asking that you suspend it until we--

MR. SWEIKERT: I acknowledge that and we do.

MR. ARGENIO: Very good. You guys have anything else?

MR. GALLAGHER: No.

MR. ARGENIO: Am I missing anything?

MR. EDSALL: No.

MR. ARGENIO: I think we have good commentary from the public, this is very productive. Okay, what else do you guys want?

MR. PFAU: Nothing.

MR. ARGENIO: Take care of the profiles and other stuff there.

RAY'S TRANSPORTATION (10-18)

MR. ARGENIO: Let me make a statement for the record. I am a partner in the property adjacent to this, I have recused myself in the past on this application, I will do it tonight and I'm going to turn it over to Danny Gallagher who is going to take care of this as I remember the public hearing was the thing, right?

MR. GALLAGHER: Yes.

MR. ARGENIO: So it's yours, take care of it and don't lose the laser pointer.

(Whereupon, Chairman Argenio left the room for the remainder of the meeting and Mr. Gallagher took over as chairman.

MR. GALLAGHER: Ray's Transportation site plan amendment and special permit. Application proposes an additional use on the approved site plan involving concrete railroad tie crushing operation with associated improvements. The plan was previously reviewed at the 30 June, 2010, 13 October, 2010 and January 26, 2011 and the application is before us for a public hearing at this time. The application involves expansion of the currently approved storage operation to include a crushing operation as well as related improvements such as truck sales, a railroad spur, truck wash, et cetera. Prior approval was classified as a use A-13. This application involves special permit use B-3 involving converting, altering or processing of products. Pretty much as of the last time it's gone through Orange County and we have gotten back local determination, no response from the City of Newburgh which we really don't need, I believe you guys were working on the DEC registration and permits?

MR. ROSENWASSER: Yes.

MR. CORDISCO: Which they received as well.

MR. GALLAGHER: DEC permit came in?

MR. STACKHOUSE: We submitted a copy for the record.

MR. CORDISCO: Yes, we saw a copy of that and the time for the City of Newburgh to respond has expired so there's no impediment from the board taking action.

MR. GALLAGHER: One of the main issues we had was traffic study which was submitted and deemed complete and was, the last meeting we were going to have it noted on the plan no access through McArthur Avenue. I guess I will, do we have anything before I should open it up to the public here?

MR. EDSALL: No, just for the record all our previous engineering comments have all been addressed so the plan is now a hundred percent up and responsive to all the comments.

MR. GALLAGHER: On the 22nd day of February, 2011, Nicole compared 33 addressed envelopes containing the public hearing notice from the assessor's office. That's it. At this time, we'll open it up to the public, if anybody has any comments, please step forward, state your name for the stenographer. Yes, sir?

MR. ALDRICH: Robert Aldrich, 202 Walsh Avenue, I'm adjacent to this property located right here, I believe, and this area here going to be open, there's not, there's not a building?

MR. STACKHOUSE: This will be open, correct, you're right here all this is proposed concrete crushing area.

MR. ALDRICH: Now, my concern is naturally first of all noise level decibels. I have already experienced screeching sounds but they were distant. I'm concerned it's going to be right next to me. Also I don't know how it got pre-approved but there's drainage put in near the proposed crushing area and that drainage goes next to the railroad line which is a little stream which to a brook which goes to the Hudson River. I don't know how that got approved, that's been done, that's right on my line right there. The biggest, well, not the biggest but also is the concrete part cause I don't know how this operation is done but since it's not confined these particles, where are they going to go? Are they going to go in the air? Are they going to cover my property, my home, my cars, whatever? I feel I'm in harms way here.

MR. GALLAGHER: Can you give the address that as far as crushing operation?

MR. STACKHOUSE: I can definitely address that. We currently crush in three states the same product

concrete railroad ties. As far as this location, we have complete suppression system spray the crushing operation at all times, it's a 2,200 gallon tank with a pump that runs full time plus a 4,500 gallon water truck that supports it. And also the part of the DEC permit also is mandatory that there's no dust so it is a water spray suppression system that alleviates any dust issues.

MR. ROSENWASSER: He should know, he's conducted a similar operation very short distance from where this new location is down on Walsh Avenue I believe and there's no history of any citation or violation as a result of the crushing operational, all that property is not near anything. There's homes all around that property.

MR. STACKHOUSE: There's an apartment complex very close.

MR. ALDRICH: What about the noise decibel level?

MR. STACKHOUSE: The noise levels I've gone through with permits also for the manufacturers of the machines and I can't sit here, I'm not an engineer and tell you what the decibels are but we have a chart that tells you the farther out you go the lower the decibels, I don't know the numbers offhand but it's--

MR. ALDRICH: It's going to be important to me.

MR. STACKHOUSE: Same as any other crusher.

MR. ALDRICH: I want to be put on record here that this is important to me and if I have a situation that comes up now where these things aren't addressed the way Ray has explained I want to be able to come back.

MR. STACKHOUSE: Your property is also zoned planned industrial, I believe.

MR. ALDRICH: Yes, my property is the same as yours, you're getting a variance I understand, right, cause it's supposed to be just for warehousing?

MR. ROSENWASSER: No.

MR. GALLAGHER: No, no variance, just a special use permit.

MR. ROSENWASSER: We're getting special use permit for

this particular use.

MR. ALDRICH: What's it's zoned for?

MR. STACKHOUSE: Planned Industrial Zone, same as your property.

MR. ALDRICH: I don't mean, listen, I'm not against guys doing what they gotta do to make a living, you know, it's just I'm right next to him and it came in like gang busters, he's got everything piled up, cut down all the trees and now where I guess I kind of felt I was in a little park there, you know, I was all set and I was happy, I have been there like 26 years and all of a sudden things changed a lot, you know and it's just disturbing to my quality of life, that's all and I just worry that it is going to get demonstrably worse and maybe I can't deal with it, I don't know. So those are my concerns. And how does this board react to that?

MR. GALLAGHER: I guess I would have to assume being it's a special use permit if there are any issues they go through the building department.

MS. GALLAGHER: Gentleman can contact me and then we'll contact Ray if there's an issue with the sound or if you're getting dust then you contact the building department.

MR. ALDRICH: Building department?

MS. GALLAGHER: Yes.

MR. ALDRICH: That's it. Thank you.

MR. GALLAGHER: Anybody else?

MR. BROWN: Make a motion we close the public hearing.

MR. FERGUSON: Second it.

ROLL CALL

MR. FERGUSON AYE

MR. BROWN AYE

MR. GALLAGHER AYE

MR. GALLAGHER: All right, anything else we need Mark

before we act? I see in your bullets as far as number four that all proposed structures, equipment, materials are accessible for fire and police.

MR. CORDISCO: Mr. Gallagher, that should be rolled into any special permit that the board may grant or is about to grant, actually three steps or three motions that you should have. The first one would be to adopt a negative declaration in connection with this proposal. Then the second one would be for special use permit which should include the bulleted items in number four of Mr. Edsall's comments and the last motion should be for an amended site plan approval.

MR. GALLAGHER: We'll start with the negative dec, motion for negative dec.

MR. FERGUSON: So moved.

MR. BROWN: Second it.

MR. GALLAGHER: Motion made and seconded for negative dec for Ray's Transportation site plan amendment.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE

MR. CORDISCO: Next motion would be grant special use permit.

MR. GALLAGHER: With the bullets included in number four.

MR. CORDISCO: Motion adopting those as findings by the board.

MR. GALLAGHER: Motion for special use permit with the bullets of number four that all proposed structures, equipment and materials are readily accessible for fire and police protection.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE

MR. GALLAGHER: Final site plan amendment.

MR. CORDISCO: For site plan amendment, the last motion will be for site plan amendment.

MR. FERGUSON: So moved.

MR. BROWN: Second it.

MR. GALLAGHER: Motion made and seconded for site plan amendment on Ray's Transportation site plan. Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE

MR. CORDISCO: I will follow up with a written decision for your signature so that everyone has proof of the board taking action and that's it.

MR. GALLAGHER: No further business to come before the board, motion to adjourn.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE

Respectfully Submitted By:

Frances Roth
Stenographer